

Ben Gharagozli (SBN 272302)  
Law Offices of Ben Gharagozli  
2907 Stanford Avenue  
Marina Del Rey, CA 90292  
Telephone: (661) 607-4665  
Facsimile: (855) 628-5517  
Email: [ben.gharagozli@gmail.com](mailto:ben.gharagozli@gmail.com)

Attorneys for RABAB ABDULHADI

JACOB MANDEL, CHARLES VOLK,	)	Case No.: 3:17-CV-03511-WHO
LIAM KERN, SHACHAR BEN-DAVID,	)	
MICHAELA GERSHON, MASHA	)	<b>DECLARATION OF MARK</b>
MERKULOVA, and STEPHANIE	)	<b>KLEIMAN</b>
ROSEKIND,	)	
	)	Date: May 29, 2019
Plaintiffs,	)	Time: 2:00 p.m.
v.	)	Location: Courtroom 2, 17 <sup>th</sup> Floor
	)	Judge: William H. Orrick
BOARD OF TRUSTEES of the	)	Original Action Filed: June 19, 2017
CALIFORNIA STATE UNIVERSITY,	)	Judgment Entered: October 29, 2018
SAN FRANCISCO STATE UNIVERSITY,	)	Appeal Dismissed: March 29, 2019
RABAB ABDULHADI,	)	Remand to District Court: April 8, 2019
in her individual capacity, and LESLIE	)	
WONG, MARY ANN BEGLEY, LUOLUO	)	
HONG, LAWRENCE BIRELLO,	)	
REGINALD PARSON, OSVALDO DEL	)	
VALLE, KENNETH MONTEIRO, BIRAN	)	
STUART, and MARK JARAMILA, in their	)	
official and individual capacities,	)	
	)	
Defendants.	)	
	)	
	)	

## 1

**DECLARATION OF MARK KLEIMAN**

I, Mark Kleiman, hereby declare as follows:

1. I am an attorney duly licensed to practice law before all courts in the State of California and am admitted to practice before this Court as well. I am co-counsel for Dr. Rabab Abdulhadi. If called upon to do so, I could and would testify competently to the following based upon firsthand knowledge.

2. Attached hereto as Exhibit A is a true and correct copy of the Public Records Act Request Brooke Goldstein, Esq., of the Lawfare Project submitted to San Francisco State University on June 13, 2016.

3. As I represent several faculty members at San Francisco State University, including one who was deposed in the Superior Court litigation, and as Mr. Weisburst knows that I represent Dr. Abdulhadi, had he intended to subpoena Dr. Abdulhadi for deposition or for trial, I would have been informed. I was never approached by Mr. Weisburst or any of his cocounsel about Dr. Abdulhadi's testimony in the Superior Court litigation.

4. Attached hereto as Exhibit B is a true and correct copy of The Lawfare Project's fundraising appeal for the instant case, for what Lawfare described as a "ground-breaking" lawsuit.

5. Attached hereto as Exhibit C is a true and correct copy of Plaintiff's Motion in Limine #4 to Exclude Any Reference to Plaintiff's Counsel or The Lawfare Project in the Superior Court litigation..

6. Attached hereto as Exhibit D is a true and correct copy of Defendant CSU's Opposition to Plaintiff's Motion in Limine #4 to Exclude Any Reference to Plaintiff's Counsel or The

1 Lawfare Project in the Superior Court litigation,

2 I declare under penalty of perjury under the laws of the State of California that the  
3 foregoing is true and correct. Executed this tenth day of May, 2019, at Los Angeles, California.  
4

5  Type text here

6  
7 Mark Kleiman

## EXHIBIT A

**June 13, 2016**

**Mr. Jonathan Morales  
San Francisco State University  
Public Records Act Contact  
1600 Holloway Avenue  
San Francisco, CA 94132**

**VIA EMAIL**

**RE: California Public Records Act Request**

Dear Mr. Morales:

This letter constitutes a request pursuant to the California Public Records Act, Govt. Code §§ 6250 - 6276.48 (CPRA). The request is submitted on behalf of The Lawfare Project (LP), a non-profit, charitable legal organization, not taxable under 26 U.S.C. § 501(c)(3).

The LP is working on behalf of aggrieved individuals, both students and members of the non-academic San Francisco community, who were attendees at an April 6<sup>th</sup>, 2016 event at San Francisco State University (SFSU). The event was sponsored by SFSU Hillel and featured Nir Barkat, the Mayor of Jerusalem. The event was ferociously disrupted by a crowd of anti-Israel students who, after nearly an hour of chanting and aggressive intimidation tactics, shut down the speech so thoroughly that the Mayor was unable to deliver his remarks.

The LP demands a written response, including all records and communications relevant to the below specific requests, within 10 days, as required by California law. The LP requests both hard copies and electronic copies of all such records and communications. The LP respectfully requests the following records and communications that concern or are related to the April 6<sup>th</sup> event, which may have occurred before the event, on the day of the event, or after the event, and may regard the planning of the event, security for the event, the anticipated protest, an internal or external investigation of the disruption/disruptors, or anything else relevant to any of the below:

1. All communications sent or received, and all records held by any SFSU administrator, relevant to or discussing the April 6<sup>th</sup> event. Of paramount interest are:
  - a. All communications sent or received, and all records held by Mary Ann Begley, SFSU Dean of Students, that are relevant to, or include any discussion of the April 6<sup>th</sup> event, most notably regarding: scheduling for the event; anticipated protests of the event; instruction to SFSU police on how to handle any protests of the event, and any investigation into the disruption of the event.
  - b. All communications sent or received, and all records held by SFSU President Les Wong that are relevant to, or include any discussion of, the April 6<sup>th</sup> event.
  - c. All communications sent or received, and all records held by Alison Sanders, Chief of Staff to SFSU President Wong, that are relevant to, or include any discussion of, the April 6<sup>th</sup> event.



- d. All communications sent or received, and all records held by SFSU Advancement Vice President Robert Nava, that are relevant to, or include any discussion of, the April 6<sup>th</sup> event.
- e. All communications sent or received, and all records held by Larry J. Birello, Coordinator of Student Activities and Events at SFSU, that are relevant to, or include any discussion of, the April 6<sup>th</sup> event.
- f. All communications sent or received, and all records held by President Wong, Dean Begley, Ms. Sanders, Mr. Nava, or any other SFSU administrator regarding follow-up meetings with Jewish student attendees, associates of Hillel, and/or any other attendees of the April 6<sup>th</sup> event.
- g. All communications sent or received, and all records held by Vernon J. Piccinotti, Event & Technical Services Manager for SFSU, that are relevant to, or include any discussion of, the April 6<sup>th</sup> event.
- h. All communications sent or received, and all records held by Mark Jaramilla, SFSU Meeting & Events Coordinator, that are relevant to, or include any discussion of, the April 6<sup>th</sup> event.
- i. All communications sent or received, and all records held by Mary Ann Begley, Larry Birello, Vernon Piccinotti and Mark Jaramilla regarding any events being hosted in SFSU event rooms known as “Jack Adams” and “Rosa Parks A-C” during the day and evening of April 6<sup>th</sup>. If no events were held in either of those spaces during those times, please provide records illustrating the scheduling of events, such as an event calendar, where those times are apparently clear.
- j. All records and communications to or from any university administrator, including but not limited to President Wong, Dean Begley, Mr. Birello, Mr. Piccinotti, Ms. Sanders, Mr. Nava, and Mr. Jaramilla, relevant to the university’s internal investigation or potential investigation into the April 6<sup>th</sup> event. This includes records and communications pertaining to President Wong’s agreement with the Ethnic Studies program not to investigate or punish any students involved in the disruption of the April 6<sup>th</sup> event.
- k. All internal communications between any member of the university administration and/or SFSU police, and any other member of the university administration and/or SFSU police, that discuss possible punishment of protestors or communication with any law enforcement agency regarding potential investigation and/or prosecution. This includes internal discussions that are relevant to, or discuss, the potential commission of crimes by the disruptors.
- l. All records and communications to or from any university administrator, including but not limited to President Wong, Dean Begley, Mr. Birello, Mr. Piccinotti, Ms. Sanders, Mr. Nava, or Mr. Jaramilla, relevant to or discussing an outside investigation into the disruption of the April 6<sup>th</sup> event. Of paramount importance are any records or communications indicating that a private firm has been retained by the university to undertake such an investigation, including communications with the outside firm,



contract or retention documentation, and any non-privileged findings resulting from the investigation.

- m. All records and communications between any university administrator, including but not limited to President Wong, Dean Begley, Mr. Birello, Mr. Piccinotti, Ms. Sanders, Mr. Nava, or Mr. Jaramilla, and any individual affiliated with the firm of Van Dermyden Maddux, from March 1, 2016 to the time of this CPRA request.
2. All records and communications sent or received by SFSU police, including by SFSU Police Chief Reginald Parson, that are relevant to, or include any discussion of the April 6<sup>th</sup> event, most notably regarding anticipated protests, any instruction regarding how to handle any protests of the event, and any post-event discussions regarding potential internal or external investigations.
3. All records and communications sent or received by SFSU Police Chief Reginald Parson regarding his understanding of normal protocol in the event of disruption of an on-campus event, as well as all records and communications sent or received by Mr. Reginald that describe deviation from such protocols during the April 6<sup>th</sup> event.
4. All records and communications sent or received by SFSU Campus Security that include any discussion of the April 6<sup>th</sup> event, most notably anticipated protests, any instruction regarding how to handle any protests of the event, and any post-event discussions regarding potential internal or external investigations.
5. All records and communications between any member of the university administration and/or SFSU police, and known members of the student group “GUPS” (General Union of Palestine Students), including, most notably, Lubna Morra, GUPS President, Linda Ereikat, GUPS Vice President, and Esmail Esmail, active GUPS member.
6. All communications between any member of the university administration and/or SFSU police, between the dates of January 1, 2016 and the present, that include discussion or comment of GUPS as an entity or any of its known members, most notably Lubna Morris, Linda Ereikat, and Esmail Esmail.
7. All records held by, or communications between, any member or affiliate of GUPS and any other member or affiliate of GUPS, sent on the university email server, that are relevant to, or include any discussing of the April 6<sup>th</sup> event. Of specific interest are records held by, or communications between, Lubna Morris, Linda Ereikat, and Esmail Esmail.
8. All records and communications between any member of the university administration, including but not limited to President Wong and Dean Begley, and/or SFSU police, and Jerusalem Mayor Nir Barkat.
9. All internal communications between any member of the university administration and any other member of the university administration regarding another opportunity to host Jerusalem Mayor Nir Barkat at SFSU.
10. All communications sent or received by Mary Ann Begley, SFSU Dean of Students, regarding on-campus student events during the Spring 2016 semester. Relevant information would include the number of on-campus events hosted by SFSU student groups within the



relevant time period, which of these groups were required to pay any fees in order to host the events, which events required such fees and why the fees were required.

11. All records held by university officials and SFSU police that illustrate or describe what occurred during the April 6<sup>th</sup> event, including, but not limited to, “any writing, picture, sound, or symbol, whether paper,..., magnetic or other media.” (§6252(e)). Relevant information illustrated in such records may include, but is not limited to: the length of the disruption; the use of sound amplification devices by the protestors; the slogans and language used by the protestors; the reaction by attendees; the ways in which the non-protesting audience members were escorted from the room; and the physical formation of the protestors over the course of the protest, including any changes in their physical appearances or formation/location in the room.

The LP would like to request a waiver of all fees in that the disclosure of the information requested herein is in the public interest and will contribute significantly to the public’s understanding of university policies regarding campus events and free speech, while shining light on the university’s procedures to investigate and cooperate with law enforcement in the event that violations of the SFSU Code of Student Conduct and/or the California Penal Code occur on campus. This information is not being sought for commercial purposes.

We thank you for your prompt attention to this request as well as your cooperation. Please do not hesitate to reach out with any questions to Amanda Berman, Director of Legal Affairs, at [Amanda@thelawfareproject.org](mailto:Amanda@thelawfareproject.org) or at (212) 339-6995.

Regards,

A handwritten signature in black ink, appearing to read "Brooke Goldstein".

Brooke Goldstein  
Director, The Lawfare Project



## EXHIBIT B

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## *SFSU, stop anti-Semitism on campus!*

In June 2017, The Lawfare Project—together with Winston & Strawn LLP—filed a groundbreaking lawsuit against San Francisco State University (SFSU), a campus notorious for rampant anti-Semitism. The Lawfare Project is committed to defending Jewish and Zionist students, student groups, and faculty whose fundamental civil liberties are being violated on college campuses—the latest battleground in the fight against anti-Semitism.

There is no room for hate in academic institutions. But today, Jewish and Israeli students are regularly marginalized and attacked on college campuses.

**We need your help to raise the remaining \$70,000 to support this lawsuit and others that defend the rights of the Jewish people.**

**DONATE**

Our community has the right to know and the public has a stake in putting this bigotry to bed. Let's send a message to universities worldwide to take anti-Semitism seriously.

To learn more about the case against SFSU, please watch the video below.



**Help End Anti-Semitism on Campus:** Share this video on social media using the hashtag **#hatefreecampus**.

 Share  Tweet

With gratitude for your continued partnership,



Brooke Goldstein  
Executive Director, The Lawfare Project

## SUPPORT THE LAWFARE PROJECT:

DONATE

The Lawfare Project is a 501(c)(3) tax-exempt organization.  
Donations are deductible under section 170 of the Internal Revenue Code.

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## FOLLOW THE LAWFARE PROJECT:



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## EXHIBIT C

1 David S. Bloch (SBN 184530)  
dbloch@winston.com  
2 Robb C. Adkins (SBN 194576)  
radkins@winston.com  
3 Seth Weisburst (SBN 259323)  
sweisburst@winston.com  
4 WINSTON & STRAWN LLP  
101 California Street, 35th Floor  
5 San Francisco, CA 94111-5840  
Telephone: (415) 591-1000  
6 Facsimile: (415) 591-1400

7 Attorneys for Plaintiffs  
CHARLES VOLK and LIAM KERN

8  
9 (Attorneys for Plaintiffs continued on Page 2)

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
11 **FOR THE CITY AND COUNTY OF SAN FRANCISCO**

12 CHARLES VOLK and LIAM KERN,

13 Plaintiffs,

14 v.

15 BOARD OF TRUSTEES of the  
CALIFORNIA STATE UNIVERSITY;  
16 and SAN FRANCISCO STATE  
UNIVERSITY,

17 Defendants.  
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ELECTRONICALLY

**FILED**

*Superior Court of California,  
County of San Francisco*

**03/19/2019**

**Clerk of the Court**

BY: ROBERT GOULDING  
Deputy Clerk

Case No. CGC-18-563970

**PLAINTIFFS' MOTION IN LIMINE #4 TO  
EXCLUDE ANY REFERENCE TO  
PLAINTIFFS' COUNSEL OR THE  
LAWFARE PROJECT**

Dept.: 306  
Date: March 18, 2019  
Time: 9:00 a.m.  
Judge: Honorable Richard B. Ulmer, Jr.

1 (Continued from Page 1)  
2 Lawrence M. Hill (*pro hac vice*)  
lhill@winston.com  
3 Ross Kramer (*pro hac vice*)  
rkramer@winston.com  
4 Johanna Rae Hudgens (*pro hac vice*)  
jhudgens@winston.com  
5 WINSTON & STRAWN LLP  
200 Park Avenue  
6 New York, NY 10166-4193  
Telephone: (212) 294-6700  
7 Facsimile: (212) 294-4700  
8 Brooke Goldstein (*pro hac vice*)  
brooke@thelawfareproject.org  
9 THE LAWFARE PROJECT  
633 Third Avenue, 21st Floor  
10 New York, NY 10017  
Telephone: (212) 339-6995  
11  
12 Attorneys for Plaintiffs  
CHARLES VOLK and LIAM KERN

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1 Plaintiffs Charles Volk and Liam Kern move for an order *in limine* excluding any reference  
 2 to Plaintiffs' counsel Brooke Goldstein and Amanda Berman, or to the Lawfare Project, other  
 3 than information necessary to identify counsel to the jury. Any background information about  
 4 Plaintiffs' counsel or the Lawfare Project, or any of counsel's out-of-court opinions or statements,  
 5 are irrelevant (Evid. Code §§ 210, 350) and potentially prejudicial (Evid. Code § 352).

## 6 MEMORANDUM OF POINTS AND AUTHORITIES

### 7 **I. INTRODUCTION**

8 In the course of multiple depositions, counsel for SFSU has attempted to elicit testimony  
 9 about two of Plaintiffs' attorneys—Brooke Goldstein and Amanda Berman of the Lawfare  
 10 Project<sup>1</sup>—based on purported out-of-court statements from well before SF Hillel was excluded from  
 11 the Know Your Rights Fair, often quoting from highly partisan (and inadmissible) sources like  
 12 “Electronic Intifada.” Declaration of Seth Weisburst (“Weisburst Dec.”), Ex. 1 (Deposition of Liam  
 13 Kern) at 99:18–100:4, 102:17–103:2), Ex. 2 (June 25, 2016 “Electronic Intifada” article). The  
 14 personal or institutional views of Ms. Goldstein, Ms. Berman, the Lawfare Project, or (for that  
 15 matter) Winston & Strawn LLP are irrelevant to this case, and—as attempted to be deployed by  
 16 SFSU—potentially prejudicial and misleading.

### 17 **II. LEGAL DISCUSSION**

#### 18 **A. Any background information about Plaintiffs' counsel Brooke Goldstein and** 19 **Amanda Berman, the Lawfare Project, or any of their opinions or statements is** 20 **irrelevant.**

21 “‘Relevant evidence’ means evidence . . . having any tendency in reason to prove or disprove  
 22 any disputed fact that is of consequence to the determination of the action.” Evid. Code § 210. This  
 23 action is about the reasons SF Hillel was denied the opportunity to host a table at the Know Your  
 24 Rights Fair in February 2017. And thus, the contents of a speech Ms. Goldstein gave in June 2016  
 25 (more than eight months before the “Know Your Rights” Fair occurred) at the Conference for  
 26 Countering Antisemitism in New York City is irrelevant.

27 <sup>1</sup> Ms. Goldstein is the Executive Director of the Lawfare Project while Ms. Berman previously  
 28 served as its Director of Legal Affairs.



**B. Any background information about Plaintiffs' counsel Brooke Goldstein and Amanda Berman, or about the Lawfare Project, would create a substantial danger of undue prejudice, confusing the issues, or misleading the jury.**

If the probative value of evidence "is substantially outweighed" "by the probability that its admission will ... create [a] substantial danger of undue prejudice, of confusing the issues, or of misleading the jury," exclusion is proper. Evid. Code § 352. Here, there is no probative value whatsoever to a speech counsel may have given on the other side of the country eight months before SF Hillel was excluded from the Know Your Rights Fair.

And the "evidence" SFSU has proffered is highly prejudicial. According to "Electronic Intifada," the Lawfare Project as an "Israel group" that "was founded with the support of the Conference of Presidents of Major American Jewish Organizations, an important forum for anti-Palestinian organizing in the US." Weisburst Dec., Ex. 2. The article refers to Ms. Goldstein as an "Israel lobby leader"; it quotes her as saying that the aim of the Lawfare Project is to "make the enemy pay" and that the enemy is "mainly comprised of Palestine solidarity activists and students." *Id.* She also allegedly "den[ied] outright the existence of Palestinians." *Id.* The article also calls into question whether Ms. Goldstein is a "human rights attorney," as she allegedly claims to be. *Id.* It should go without saying that the slurs in the "Electronic Intifada" article are nonsense.<sup>2</sup> But even if they were true, they have no bearing on why SF Hillel was excluded from the Know Your Rights Fair—the issue to be decided in this case. A party is never allowed to "impugn counsel's motives or character." *Cassim v. Allstate Ins. Co.* (2004) 33 Cal.4th 780, 796, *as modified* (Oct. 13, 2004); *accord Stone v. Foster* (1980) 106 Cal.App.3d 334, 355. Moreover,

evidence should be excluded as unduly prejudicial when it is of such nature as to inflame the emotions of the jury, motivating them to use the information, not logically to evaluate the point upon which it is relevant, but to reward or punish one side because of the juror's emotional reaction. In such a circumstance, the evidence is unduly prejudicial because of the substantial likelihood the jury will use it for an illegitimate purpose.

<sup>2</sup> The Lawfare Project describes itself as "a global network of legal professionals that contribute our skills, time and expertise to defending the civil and human rights of the Jewish people and pro-Israel community, and fighting discrimination wherever we see it." <https://www.thelawfareproject.org/who-we-are> (last visited Feb. 28, 2019).

1 *People v. Doolin* (2009) 45 Cal.4th 390, 439 (quoting *Vorse v. Sarasy* (1997) 53 Cal.App.4th 998,  
2 1009). The Israeli-Palestinian conflict is a highly controversial and inflammatory issue, and there is  
3 no legitimate basis for interjecting counsel's views on that conflict into this trial.

4 **III. CONCLUSION**

5 For the foregoing reasons, Plaintiffs Charles Volk and Liam Kern request that the Court  
6 exclude from trial any reference to information about Plaintiffs' counsel as well as any any  
7 statements or opinions attributed to Ms. Goldstein, Ms. Berman, the Lawfare Project, or any other  
8 lawyer in this case.

9  
10 DATED: March 12, 2019

Respectfully submitted,

11 WINSTON & STRAWN LLP /  
12 THE LAWFARE PROJECT

13 By: /s/ Seth Weisburst

14 Seth Weisburst  
15 Attorneys for Plaintiffs  
16 CHARLES VOLK and LIAM KERN  
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**DECLARATION OF SETH WEISBURST**

I, Seth Weisburst, declare as follows:

1. I am an attorney at law and a member of the State Bar of California. I am an attorney with the law firm of Winston & Strawn LLP, counsel of record for Plaintiffs Charles Volk and Liam Kern in this action. I have personal knowledge of all facts contained in this declaration, and if called as a witness, could and would competently testify as follows.

2. Attached hereto as **Exhibit 1** are true and correct copies of excerpts from the Deposition of Liam Kern, dated January 29, 2019.

3. Attached hereto as **Exhibit 2** is a true and correct copy of Exhibit 175 to the Deposition of Liam Kern.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on March 12, 2019 at San Francisco, California.

By: 

Seth Weisburst

# **EXHIBIT 1**

CONFIDENTIAL

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
2 CITY AND COUNTY OF SAN FRANCISCO  
3

No. CGC-18-563970

4 -----  
5 CHARLES VOLK and LIAM KERN,  
6 Plaintiff,

7 v.

8 BOARD OF TRUSTEES of CALIFORNIA  
9 STATE UNIVERSITY and SAN FRANCISCO  
STATE UNIVERSITY

10 Defendants.  
11 -----

12  
13  
14 \*CONFIDENTIAL\*

15 VIDEOTAPED DEPOSITION OF  
16 LIAM KERN  
17  
18  
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20  
21

22 DATE TAKEN: JANUARY 29, 2019

23 REPORTED BY: PAUL J. FREDERICKSON, CSR

24 JOB NO. 3200400

25 Pages 1- 135

Page 1

CONFIDENTIAL

1	anti-Semitism?	12:35:04
2	MR. WEISBURST: Objection. It's	12:35:06
3	vague.	12:35:07
4	A. I -- I believe that SF State	12:35:10
5	should do every in its right to prevent	12:35:16
6	anti-Semitism.	12:35:20
7	Q. And you allege that the exclusion	12:35:24
8	of Hillel from the Know Your Rights Fair was	12:35:26
9	anti-Semitic; is that correct?	12:35:31
10	A. I -- I believe that the actions	12:35:35
11	that occurred are -- can be deemed as	12:35:37
12	anti-Semitic, yes.	12:35:40
13	Q. How do you think the university	12:35:44
14	could have acted to prevent the exclusion of	12:35:46
15	Hillel?	12:35:51
16	A. I believe that the university	12:35:55
17	could have just allowed Hillel to be there.	12:35:56
18	Q. Have you ever spoken to Brooke	12:36:04
19	Goldstein?	12:36:06
20	A. No.	12:36:06
21	Q. Have you ever spoken to Amanda	12:36:10
22	Berman?	12:36:12
23	A. Yes.	12:36:12
24	Q. When was that?	12:36:16
25	MR. WEISBURST: It's vague.	12:36:23

CONFIDENTIAL

1           A.       Also, the -- the name Amanda           12:36:24  
2       Berman is -- was or is part of counsel. I'm       12:36:27  
3       not really sure how that's going at the moment.   12:36:29  
4       So I don't know what I'm allowed to say or not.   12:36:31  
5           Q.       You can answer when you spoke to       12:36:34  
6       Amanda Berman prior to your counsel.           12:36:37  
7           A.       If you're asking --           12:36:46  
8           Q.       We're speaking of Amanda Berman of   12:36:47  
9       the Lawfare Project.           12:36:49  
10           MR. WEISBURST: Are you asking           12:36:50  
11       when he last spoke to Amanda Berman,           12:36:51  
12       when he first spoke to her, every time           12:36:52  
13       he's ever spoken to her?           12:36:54  
14           Q.       Have you spoken to her on more       12:36:56  
15       than one occasion?           12:36:57  
16           A.       Yes.           12:36:59  
17           Q.       Okay.           12:36:59  
18                    When was the first time you spoke   12:37:00  
19       to her?           12:37:01  
20           A.       I -- I don't remember the date,       12:37:02  
21       but I spoke to her over the phone for the first   12:37:03  
22       time.           12:37:09  
23           Q.       Do you remember approximately when   12:37:10  
24       that was?           12:37:11  
25           A.       No. No.           12:37:15

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CONFIDENTIAL

1       this month." 12:38:41

2                   Do you agree that there is no such 12:38:43

3       thing as a Palestinian person? 12:38:45

4           A.       No. 12:38:47

5           Q.       Why not? 12:38:47

6           A.       Why not? Like why I disagree with 12:38:54

7       that statement? 12:38:59

8           Q.       Yes. 12:38:59

9           A.       Palestinian people exist. I don't 12:39:04

10       really have a counterpoint. 12:39:07

11          Q.       Do you understand why someone 12:39:09

12       might say that there was no such thing as a 12:39:11

13       Palestinian person? 12:39:13

14                   MR. WEISBURST: Objection, calls 12:39:15

15       for speculation. 12:39:16

16          A.       No. 12:39:17

17          Q.       It goes on here: 12:39:21

18                   "Goldstein is the director of the 12:39:22

19       Lawfare Project, a legal group that aims, in 12:39:23

20       her words, to 'make the enemy pay' -- that 12:39:25

21       'enemy' being mainly comprised of Palestine 12:39:28

22       solidarity activists and students." 12:39:32

23                   Do you agree with the strategy of 12:39:35

24       "making the enemy pay"? 12:39:37

25          A.       No. I -- this article looks very 12:39:41



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1       biased and assumptuous, so I don't want to make       12:39:45  
2       any like conclusions off of this.       12:39:49  
3               Q.       This is a direct quote here,       12:39:54  
4       though, "make the enemy pay"?       12:39:55  
5               MR. WEISBURST: Is that a       12:39:57  
6       question?       12:39:58  
7               Q.       I am asking, who do you think is       12:39:59  
8       "the enemy"?       12:40:03  
9               A.       I don't --       12:40:05  
10              MR. WEISBURST: Objection, calls       12:40:05  
11       for speculation.       12:40:07  
12              A.       Yeah, I don't -- I don't believe       12:40:09  
13       in an enemy.       12:40:11  
14              Q.       Do you agree that Palestine       12:40:15  
15       solidarity activists and students are an enemy?       12:40:17  
16              A.       So citing my past answer, I don't       12:40:26  
17       believe there is a -- I have enemies.       12:40:29  
18              Q.       Do you believe that they are an       12:40:35  
19       enemy to Israel?       12:40:37  
20              MR. WEISBURST: Objection, vague.       12:40:39  
21              A.       I would not use the word "enemy"       12:40:46  
22       in any environment.       12:40:48  
23              Q.       What word would you use?       12:40:49  
24              MR. WEISBURST: Objection, vague.       12:40:52  
25              A.       I don't know. I wouldn't say       12:40:54

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C E R T I F I C A T E

I, PAUL J. FREDERICKSON,  
California Certified Shorthand Reporter No.  
13164, do hereby certify:

That prior to being examined,  
the witness named in the foregoing  
deposition was by me duly sworn or affirmed  
to testify to the truth, the whole truth and  
nothing but the truth;

That said deposition was taken  
down by me in shorthand at the time and  
place therein named, and thereafter reduced  
to print by means of computer-aided  
transcription; and the same is a true,  
correct and complete transcript of said  
proceedings.

I further certify that I am not  
interested in the outcome of the action.

Witness my hand this 1st day of  
February 2019.



PAUL J. FREDERICKSON, CSR

CA CSR 13164

## **EXHIBIT 2**

Israel lawfare group plans "massive punishments" for activists | The Electronic Intifada

Page 1 of 9



THE ELECTRONIC INTIFADA

## Israel lawfare group plans "massive punishments" for activists

[Ali Abunimah \(/people/ali-abunimah\)](#)

[Lobby Watch \(/blog/lobby-watch\)](#)

25 June 2016



Brooke Goldstein, director of the Lawfare Project



"Why are we using the word Palestinian? There's no such thing as a Palestinian person," Brooke Goldstein declared to enthusiastic applause at a meeting of key Israel lobby operatives in New York earlier this month.

Goldstein is the director of the Lawfare Project, a legal group that aims, in her words, to "make the enemy pay" – that "enemy" being mainly comprised of Palestine solidarity activists and students.

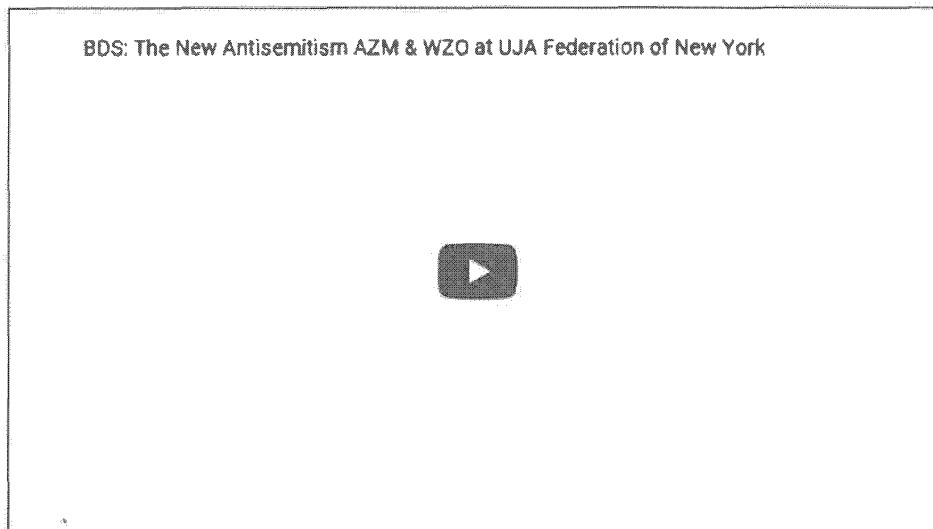
The Lawfare Project was founded with the support of the Conference of Presidents of Major American Jewish Organizations, an important forum for anti-Palestinian organizing in the US.

The clip of Goldstein denying outright the existence of Palestinians can be seen above.

At the event, she and other Israel lobby leaders revealed their latest strategies to try to defeat the growing boycott, divestment and sanctions (BDS) movement.

A 58-minute edited video of the event was originally published on YouTube by the [Jewish Broadcasting Service](#) (<https://www.youtube.com/user/ShalomTVcom>) on 16 June, but was [hidden](#) (<https://www.youtube.com/watch?v=fBNNLJ-PFvA>) a day after the journalist Ben White and other supporters of Palestinian rights [began to circulate](#) (<https://twitter.com/benabvad/status/745099783375048704>) it on social media, drawing attention to Goldstein's negation of Palestinian existence.

The Electronic Intifada is republishing the whole video under the [Fair Use doctrine](http://www.copyright.gov/fair-use/more-info.html) (<http://www.copyright.gov/fair-use/more-info.html>) of the US Copyright Act:



In her presentation, Goldstein acknowledged that efforts to promote Israel as a democracy with "great beaches" had failed to stem the support for Palestinian rights, so "we have to focus on the offense, on Islamists and how they violate the basic civil rights that liberals hold very, very dear."

Efforts to exploit and promote [Islamophobia](https://electronicintifada.net/tags/islamophobia) (<https://electronicintifada.net/tags/islamophobia>) as a way to build support for Israel are not new, but the New York meeting heralded a renewed push in that direction.

Following the [advice](https://electronicintifada.net/blogs/ranja-khalek/copy-bds-tactics-pro-israel-activists-told-un-conference) (<https://electronicintifada.net/blogs/ranja-khalek/copy-bds-tactics-pro-israel-activists-told-un-conference>) of pro-Israel pollster [Frank Luntz](https://electronicintifada.net/tags/frank-luntz) (<https://electronicintifada.net/tags/frank-luntz>) to appropriate leftist and human rights language, Goldstein said the anti-Muslim message would appeal to the sensibilities of liberal and progressive college students.

She argued that pro-Israel advocates had to speak about the BDS movement "in the terminology that Millennials will understand, which is the civil rights terminology."

"[Students] want to be against apartheid? Let's give them what to be against," she said, "Let's give them [sic] to be against Islamist gender, race and religious apartheid that is occurring in every single Muslim-majority country on the planet."

As its contribution, Goldstein explained that her organization would be launching what she called "Islamist Apartheid Week" on campuses across the US, an apparent effort to counter [Israeli Apartheid Week](https://electronicintifada.net/tags/israeli-apartheid-week) (<https://electronicintifada.net/tags/israeli-apartheid-week>).

And while Goldstein [markets herself](https://twitter.com/GoldsteinBrooke) (<https://twitter.com/GoldsteinBrooke>) as a "human rights attorney," she [proudly touts her friendship](https://www.facebook.com/Goldsteinbrooke/photos/a.592447934193776.1073741830.377303579041547/629272793844630/?type=3&theater) (<https://www.facebook.com/Goldsteinbrooke/photos/a.592447934193776.1073741830.377303579041547/629272793844630/?type=3&theater>) with [Geert Wilders](https://electronicintifada.net/tags/geert-wilders) (<https://electronicintifada.net/tags/geert-wilders>), the anti-Muslim

Dutch politician who has been [funded \(https://electronicintifada.net/blogs/ali-abunimah/geert-wilders-dutch-anti-muslim-party-forced-reveal-us-donor\)](https://electronicintifada.net/blogs/ali-abunimah/geert-wilders-dutch-anti-muslim-party-forced-reveal-us-donor) by a key player in the US Islamophobia industry.

Wilders' anti-Muslim agenda is so extreme it has even been [condemned \(http://www.adl.org/civil-rights/discrimination/c/geert-wilders-anti-muslim.html\)](http://www.adl.org/civil-rights/discrimination/c/geert-wilders-anti-muslim.html) by the Anti-Defamation League, a major pro-Israel group.

## "Cancer"

Goldstein was speaking at an event on 2 June titled "[BDS: The new anti-Semitism? \(http://www.azmi.org/bds-new-antisemitism-successful-event-nyc-june-3-2016\)](http://www.azmi.org/bds-new-antisemitism-successful-event-nyc-june-3-2016)"

Organized by the World Zionist Organization, the American Zionist Movement and the UJA-Federation of New York, it was addressed by Israel's ambassador to the UN, [Danny Danon \(https://electronicintifada.net/tags/danny-danon\)](https://electronicintifada.net/tags/danny-danon).

It came just days after Israel's major [anti-BDS conference \(https://electronicintifada.net/blogs/rania-khalek/pro-israel-groups-vow-eliminate-bds\)](https://electronicintifada.net/blogs/rania-khalek/pro-israel-groups-vow-eliminate-bds) held at UN headquarters.

[Malcolm Hoenlein \(https://electronicintifada.net/tags/malcolm-hoenlein\)](https://electronicintifada.net/tags/malcolm-hoenlein), executive vice-president of the Conference of Presidents, told the meeting that the boycott, divestment and sanctions movement was like a deadly disease.

"We let this cancer metastasize until now on campuses across the United States," Hoenlein said.

He claimed that the BDS movement for Palestinian freedom, justice and equality was indistinguishable from the persecutions Jews had faced throughout history.

"This started when the Romans changed the name of Judea to Philistia," Hoenlein asserted in a bizarre appeal to ancient history and myth, "that was the beginning of BDS."

But he was clear that the purpose of the New York gathering was to create a movement "that uses all of our resources, all of our energies" in order to "put an end to this threat."

Hoenlein said that pro-Israel activists need to reach youth who "communicate in 140 letters," an apparent reference to the social media site Twitter.

Overlooking the fact that this is the most diverse and integrated generation of American college students ever, Hoenlein went on to insult the intelligence of the very youth he wants Israel to connect with. "This is an ignorant generation, a superficial generation," Hoenlein said.

## Attacking students

The Lawfare Project's Brooke Goldstein also indicated that her legal group was preparing another Title VI challenge against US universities, naming San Francisco State University and the University of California, Irvine, as likely targets.

In recent years, pro-Israel groups lodged complaints against several universities under [Title VI of the US Civil Rights Act \(https://electronicintifada.net/tags/title-vi-civil-rights-act\)](https://electronicintifada.net/tags/title-vi-civil-rights-act), alleging that administrators were failing to protect Jewish students from a hostile environment created by Palestine solidarity activists.

But these complaints were thrown out (<https://electronicintifada.net/blogs/nora-barrows-friedman/victory-campus-free-speech-us-dept-education-throws-out-anti-semitism>) by investigators from the US Department of Education's Office of Civil Rights.

Goldstein's revelation casts the latest attacks by pro-Israel groups (<https://electronicintifada.net/content/why-are-university-heads-racing-slander-protesters/17061>) on Palestine solidarity activists at UC Irvine and San Francisco State University in a new light.

Goldstein said her group was encouraging Jewish students on those campuses to file police complaints against Palestine solidarity activists, "so we can pressure the [district attorney] to bring criminal charges against those students, just like was done with Michael Oren's speech."

She was referring to the Irvine 11 (<https://electronicintifada.net/tags/irvine-11>) case, in which 10 students faced criminal charges for protesting a 2010 speech at UC Irvine by Oren (<https://electronicintifada.net/tags/michael-oren>) when he was the Israeli ambassador to the US.

These cases would also presumably be used as the pretext for the Title VI complaints.

Goldstein also used the New York gathering to argue that contrary to the unanimous opinion of the international community, Israeli settlements in the occupied West Bank are not illegal and that the EU was violating international law by requiring that products manufactured in Israeli settlements (<https://electronicintifada.net/tags/settlement-products>) have accurate labels (<https://www.theguardian.com/world/2015/nov/11/eu-sets-guidelines-on-labelling-products-from-israeli-settlements>) indicating their origin.

In warlike language, Israeli ambassador Danon told the gathering that their efforts to suppress support for Palestinian rights had the full support of the Israeli state.

"We will stand against our enemies. We will stand against the people who are going to boycott Israel, and we will win," Danon said.

The violent and dehumanizing language was echoed by Yuval Abrams, a student and activist against the Palestine solidarity movement at the CUNY Graduate Center of the City University of New York (<https://electronicintifada.net/tags/cuny>).

"We need to raise the stakes for those who engage in this sort of behavior, let them know their nose is going to bleed," Abrams, who identified himself as a former Israeli soldier, said in reference to fellow students who had advocated for a boycott of Israeli institutions complicit in military occupation and violations of Palestinian rights.

While speakers asserted several times that advocates should share positive messages about Israel and Zionism, Goldstein was frank that only repression of protest and BDS would shore up Israel's eroding base of support (<https://electronicintifada.net/blogs/ali-abunimah/support-palestinians-triples-among-us-youth-survey-finds>).

"The goal is to make the enemy pay," Goldstein said, "and to send a message, a deterrent message, that similar actions such as those that they engage in will result in massive punishments."

🔗 [Lawfare Project](#) (/tags/lawfare-project) [Brooke Goldstein](#) (/tags/brooke-goldstein) [Malcolm Hoenlein](#) (/tags/malcolm-hoenlein) [Conference of Presidents of Major American Jewish Organizations](#) (/tags/conference-presidents-major-american-jewish-organizations) [Islamophobia](#)

[\(/tags/islamophobia\)](#) [Frank Luntz \(/tags/frank-luntz\)](#) [Danny Danon \(/tags/danny-danon\)](#) [American Zionist Movement \(/tags/american-zionist-movement\)](#) [World Zionist Organization \(/tags/world-zionist-organization\)](#) [UJA-Federation of New York \(/tags/uja-federation-new-york\)](#) [student activism \(/tags/student-activism\)](#) [Title VI of the Civil Rights Act \(/tags/title-vi-civil-rights-act\)](#) [San Francisco State University \(/tags/san-francisco-state-university\)](#) [UC Irvine \(/tags/uc-irvine\)](#) [Irvine 11 \(/tags/irvine-11\)](#) [CUNY \(/tags/cuny\)](#) [Yuval Abrams \(/tags/yuval-abrams\)](#) [lawfare \(/tags/lawfare\)](#) [Anti-Defamation League \(/tags/anti-defamation-league\)](#) [Geert Wilders \(/tags/geert-wilders\)](#)

## Comments



[She can say whatever she wants..... \(/comment/43371#comment-43371\)](#)

[\(/comment/43371#comment-43371\)](#) Jane Zacher replied on Sat, 06/25/2016 - 13:39

I'm still going to 1) identify myself as a Proud Jew For Palestine 2) follow the lead of Palestinian society and not purchase the products that result in humans suffering and 3) sign my name as a college student who is part of a conscious body of other students using critical thinking and reasoning, when it comes to understanding the rights of humans.

A few younger students who just graduated and part of s.j.p. had their names posted on ridiculous websites, so they could not find employment. This, in my humble opinion, is exactly how the Nazis behaved.

Brooke Goldstein and the rest of her like-minded friends, who think it's ok to drop phosphorus and cut off drinking water, are close to Philadelphia Pa. I would love to have coffee and discuss the horrors of the beautiful beaches, which are segregated from the ghetto like conditions of Gaza.

Brooke - If your following this, we were brainwashed as North American, Jewish kids into believing that we need a spare country and that "the arabs" hate us because we are Jewish. It's all a lie.

To the contemporary Zionist - The U.S. uses us for a military outpost in the Middle East. THESE ARE OUR FELLOW HUMAN BEINGS - treat them accordingly. God is watching and you need to stand on the right side of history.

Jane Zacher student, activist and Proud Jew For Palestine, period!  
Philadelphia Pa U.S.A.



[Jane Zacher \(/comment/43456#comment-43456\)](#)

[\(/comment/43456#comment-43456\)](#) Michael S. Moore replied on Sun, 06/26/2016 - 02:44

Thumbs up.



[Thanks... \(/comment/43511#comment-43511\)](#)

[\(/comment/43511#comment-43511\)](#) Jane Zacher replied on Sun, 06/26/2016 - 13:10



Michael. Your name reminds me of the brilliant man, who has the guts in Hollywood, to challenge the status quo of silence. I really like Michael Moore's work, and looking forward to more.

Peace everyone and please, if you care about our fellow human beings suffering, but are worried about losing your jobs or careers, because the fascists have turned the U.S. into a militarized state, remember Fred Hampton, Dr. King and Malcolm X. They knew they would be targets, just like me. I can't get a job, but have other means and would rather be poor, than stand by as Palestinian people die under the boot of imperialism.

FROM THE RIVER TO THE SEA, PALESTINE WILL BE FREE !

Jane Zacher student and activist  
Philadelphia Pa U.S.A



[Jane Zacher \(/comment/43556#comment-43556\)](#)

[\(/comment/43556#comment-43556\)](#) John Costello replied on Sun, 06/26/2016 - 20:14

Yes, never said better Ms. Zacher. Thank you for your light in the darkness.



[You are.. \(/comment/43696#comment-43696\)](#)

[\(/comment/43696#comment-43696\)](#) Jane Zacher replied on Tue, 06/28/2016 - 17:02

Welcome :))



[Great post \(/comment/43546#comment-43546\)](#)

[\(/comment/43546#comment-43546\)](#) Kyle replied on Sun, 06/26/2016 - 16:50

Shalom aleichem, excellent post. May palestine be free!



[Jane. Thanks for your honesty \(/comment/43566#comment-43566\)](#)

[\(/comment/43566#comment-43566\)](#) Anonymous replied on Sun, 06/26/2016 - 21:51

Jane, Thanks for your honesty and work in promoting justice for the PALESTINIANS. I am truly dumbfounded that supposedly 'intelligent' people can deny the existence of these people even though there is abundant evidence that they have been on that land for millennia. Who was it after all in the photos and films from 1948 being driven off the land by armed soldiers? Do they think they are fooling anyone but themselves?

That said, I am so thankful that many of the younger generation Jews, along with some of the older ones, are seeing through the lies that somehow allow these massive crimes against humanity to unbelievably continue into the 21st century. I trust you know of Miko Peled, but if not, he is well worth a listen. Peace



[Sweet Jane. \(/comment/43581#comment-43581\)](#)

[% \(/comment/43581#comment-43581\)](#) Lola replied on Mon, 06/27/2016 - 02:39

You are beautiful, and a real Jew... God bless you, and as for Brooke, she needs to get a life (or at least a soul). And thanks for a great article, Ali. Oy...



[Yes!!@ \(/comment/43701#comment-43701\)](#)

[% \(/comment/43701#comment-43701\)](#) Jane Zacher replied on Tue, 06/28/2016 - 17:07

I am not alone anymore - Jews and Non-Jews, our fellow human beings suffer in Palestine and across the globe. Like the amazing Dr. West, said, let's get on the love train. Our love for the Palestinian people will prevail and motivate us.

Brooke- THEY ARE HUMANS AND HAVE A HUMAN RIGHT TO EXIST.

Thanks again Ali :)

Strength and Love from Philadelphia Pa U.S.A  
Jane Zacher student and activist



[Above \(/comment/43631#comment-43631\)](#)

[% \(/comment/43631#comment-43631\)](#) Tapp replied on Tue, 06/28/2016 - 00:04

Good for you. That is great for a Jewish student to say. Perhaps you can start the group to refute and promote Palestinian interests. Good job



[A Message to the Good People \(/comment/43911#comment-43911\)](#)

[% \(/comment/43911#comment-43911\)](#) Sherrii replied on Sat, 07/02/2016 - 18:52

If the Light is ever to flourish on this beleaguered Planet, ALL GOOD people must come together and UNITE AS ONE for a real SYSTEM change:

<http://pledge.onehumanityonelo...> (<http://pledge.onehumanityonelo.org/>)

Jane, we would love to hear from you, and /or others like this wonderful Human being. Please contact us at the above site. If the next generation of Human beings are to survive and carry the future, we must immediately change our direction NOW on this beautiful, God-given, life-inhabited Planet.



[Jane Zacher \(/comment/43411#comment-43411\)](#)

[% \(/comment/43411#comment-43411\)](#) Julie Parokkaran replied on Sat, 06/25/2016 - 17:57

Thank you Jane Zacher.

[Thanks.... \(/comment/43516#comment-43516\)](#)



[Jane Zacher](#) (/comment/43516#comment-43516) Jane Zacher replied on Sun, 06/26/2016 - 13:28

Julie. My friends from the middle East, who are students or citizens of the U.S. are afraid of ending up in Gutomino Bay, so I open my "crazy" mouth and always identify as a United States Jewish Person for Palestine. Although secular, it is important to stand with other Jewish people who are angry that our religion was hijacked by Zionists, in the name of resources and murder.

But enough about me. For the last 68 years, the narrative has centered on us. PALESTINIAN PEOPLE HAVE A RIGHT, AND I MEAN HUMAN RIGHT, TO EXIST, PERIOD !

Personally, I do not believe in a two-state solution, because the Palestinian people have lived in that land for generations. They have a beautiful culture, that was partially destroyed, as a result of the ongoing Nakba. I always think of "Still I Rise". I know it's not realistic, but Palestine should be their own entity, with their own government. If I want to visit the sites that are important to me, then it should be under their control.

I might not have power in Washington D.C. or enough money to stop your suffering, but send love to you Palestine from Philly, Pa.

Thanks Ali, for this publication - without it, I would be lost.

Jane Zacher student and activist  
Philadelphia Pa U.S.A



[Boycott](#) (/comment/43436#comment-43436)

[Maria Dowler](#) (/comment/43436#comment-43436) Maria Dowler replied on Sat, 06/25/2016 - 23:52

They've a bit more to worry about than students !! Havnt they realised that the housewives of the world are boycotting ???! They can't stop us, they can't control what we put in our shopping carts !! Lol



[Jane](#) (/comment/43441#comment-43441)

[Rob Roy](#) (/comment/43441#comment-43441) Rob Roy replied on Sun, 06/26/2016 - 00:15

Jane,

A perfect response. Thank you. Are some Jews incapable of seeing how the Palestinians are treated in Gaza and the West Bank? Are there blinders over their eyes? Are their minds sealed shut? It's a brutal occupation. Ask any Zionist if s/he could live as a Palestinian in Gaza or the West Bank. They will look at you blankly. They turn off their imagination completely. Their propaganda is in a few memorized quips, all of which are wrong.



[Thank you Jane Zacher.](#) (/comment/43451#comment-43451)

[Robin McNeillie](#) (/comment/43451#comment-43451) Robin McNeillie replied on Sun, 06/26/2016 - 02:27

Thank you Jane Zacher.

In solidarity for a Free Palestine.



[Justice \(/comment/43466#comment-43466\)](#)

[% \(/comment/43466#comment-43466\)](#) Lili Meunster replied on Sun, 06/26/2016 - 05:36

There is one opponent whom the Zionists have overlooked, and ignored....  
We, MORAL JEWS who fought the Fascists in Europe, and will fight  
the Fascists in Palestine.  
The greatest enemy and foe of the Fascist, racist, genocidal Police State of Israel...  
is truth. Truth about the evils of Zionism.  
The truth that Zionism is NOT Judaism.  
No more than Christianity is the KKK.



[Another disgusting Zionist creep... \(/comment/43521#comment-43521\)](#)

[% \(/comment/43521#comment-43521\)](#) Kyle Renner replied on Sun, 06/26/2016 - 14:18

But what else is new? That ideology is poison at best.

The only good thing about these people-- and very poor excuses for people they are-- is that they show, through their rhetoric and the steaming heaps of bile they vomit out, who the real problem in the way of peace with the Palestinians and the Lebanese is.

Israel, and pro-Israel "activists" and lobbyists. I've literally never seen one who isn't a pathetic liar or a frothing-at-the-mouth anti-Palestinian conspiracy theorist.



[Righteous Jews solidarity with the Palestinian people \(/comment/43641#comment-43641\)](#)

[% \(/comment/43641#comment-43641\)](#) Rashid replied on Tue, 06/28/2016 - 01:00

Dear Sister Jane,

As a Palestinian victim of Zionist ethnic cleansing, let me point out that the Palestinian people love and embrace our righteous Jewish activist brothers and sisters like you and we find your solidarity with us as indispensable to our common struggle for trust, justice and total liberation leading to the establishment of a democratic, secular Palestine for all of us to live in with dignity, equality, justice and honor. For Jewish people like you, you will always have a home and its name is Palestine.



[Solidarity with the people of Palestine. \(/comment/43751#comment-43751\)](#)

[% \(/comment/43751#comment-43751\)](#) Otton Bexaron replied on Wed, 06/29/2016 - 17:56

Some national councils of major U.S. Protestant denominations have joined movements for solidarity with the people of Palestine, such as BDS. There needs to be alert for contrived provocations by incidents from radical Zionists to disparage those Christian denominations in the media !!!

## EXHIBIT D

1 BRADLEY S. PHILLIPS (State Bar No. 85263)  
[brad.phillips@mto.com](mailto:brad.phillips@mto.com)

2 MUNGER, TOLLES & OLSON LLP  
3 350 South Grand Avenue, Fiftieth Floor  
4 Los Angeles, California 90071-3426  
Telephone: (213) 683-9100  
Facsimile: (213) 687-3702

5 ALISON F. KAROL (State Bar No. 308043)  
[Alison.Karol@mto.com](mailto:Alison.Karol@mto.com)

6 MUNGER, TOLLES & OLSON LLP  
7 560 Mission Street, Twenty-Seventh Floor  
8 San Francisco, California 94105-3089  
Telephone: (415) 512-4000  
Facsimile: (415) 512-4077

9 ADELE M. EL-KHOURI (Pro hac vice)  
[Adele.El-Khourri@mto.com](mailto:Adele.El-Khourri@mto.com)

10 MUNGER, TOLLES & OLSON LLP  
11 1155 F Street, NW, 7th Floor  
12 Washington, D.C. 20004  
Telephone: (202) 220-1100  
Facsimile: (202) 220-2300

13 Attorneys for The BOARD OF TRUSTEES of  
14 the CALIFORNIA STATE UNIVERSITY

15 SUPERIOR COURT OF THE STATE OF CALIFORNIA

16 COUNTY OF SAN FRANCISCO

17 CHARLES VOLK and LIAM KERN,

18 Plaintiffs,

19 vs.

20 BOARD OF TRUSTEES of the  
21 CALIFORNIA STATE UNIVERSITY,

22 Defendant.

Case No. CGC-18-563970

**DEFENDANT'S OPPOSITION TO  
PLAINTIFFS' MOTION *IN LIMINE* NO.  
4 TO EXCLUDE ANY REFERENCE TO  
PLAINTIFFS' COUNSEL OR THE  
LAWFARE PROJECT**

Judge: Hon. Richard B. Ulmer, Jr.  
Dept.: 306  
Trial Date: March 18, 2019  
Time: 9:00 a.m.

ELECTRONICALLY  
**FILED**  
Superior Court of California,  
County of San Francisco  
**03/19/2019**  
Clerk of the Court  
BY: ROBERT GOULDING  
Deputy Clerk

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. INTRODUCTION**

Plaintiffs' motion to exclude any reference to their counsel or the Lawfare Project should be denied. Evidence regarding Plaintiffs' lawyers and the Lawfare Project is admissible because it bears on the credibility of the witnesses as well as their motivations. California Evidence Code section 210 includes as relevant evidence that which is "relevant to the credibility of a witness or hearsay declarant." Cal. Evid. Code § 210. Such credibility evidence includes "bias, interest, or other motive." Cal. Evid. Code § 780.

**II. ARGUMENT**

Several statements by Plaintiffs' counsel and the Lawfare Project directly bear on the Plaintiffs' credibility and are thus admissible.

Presenting quotes from Plaintiffs' attorneys that illuminate the possible motives of the plaintiffs themselves does not amount to "insulting or [using] derogatory characterizations," (1985) *Garden Grove School Dist. of Orange Cty. v. Hendler*, 63 Cal.2d 141, 143 , or impugning counsel's character, *Cassim v. Allstate Ins. Co.*, (2017) 33 Cal.4th 780, 796. California Evidence Code section 780 provides that "the court or jury may consider in determining the credibility of a witness any matter that has any tendency in reason to prove or disprove the truthfulness of his testimony at the hearing, including but not limited to . . . The existence or nonexistence of a bias, interest, or other motive[,] [and] His attitude toward the action in which he testifies or toward the giving of testimony." (*Ibid.*) Evidence is admissible to show a witness's bias, interest, or corrupt motives, *Boyle v. Hawkins*, (1969) 71 Cal.2d 229, 239, and "[c]redibility is an issue for the fact finder." *Johnson v. Pratt & Whitney Canada, Inc.*, (1994) 28 Cal.App.4th 613, 622.

It is remarkable that Plaintiffs call the quotes from their counsel reported in the "Electronic Intifada" "nonsense," given that a video recording of Ms. Goldstein's comments is embedded in the article. In the video, Ms. Goldstein clearly states, "Why are we using the word Palestinian?"

1 There is no such thing as a Palestinian person.” [https://electronicintifada.net/blogs/charlotte-](https://electronicintifada.net/blogs/charlotte-silver/lawyer-who-says-palestinians-dont-exist-sues-san-francisco-university)  
 2 [silver/lawyer-who-says-palestinians-dont-exist-sues-san-francisco-university.](https://electronicintifada.net/blogs/charlotte-silver/lawyer-who-says-palestinians-dont-exist-sues-san-francisco-university)<sup>1</sup>

3 . If Plaintiffs Volk and Kern are, in fact, part of an effort to impose “pain” and inflict  
 4 “massive punishment” on those non-existent Palestinian “persons” and pro-Palestinian activists, it  
 5 is a fact the jury may reasonably use to assess the Plaintiffs’ credibility. (*Id.*) If Plaintiffs are part  
 6 of The Lawfare Project’s efforts to combat pro-Palestinian activism on college campuses, an effort  
 7 it wholeheartedly and very publicly seeks to promote, that fact is relevant to show bias, interest,  
 8 and other motive. Cal. Evid. Code § 780.

### 9 **III. CONCLUSION**

10 For the foregoing reasons, Plaintiffs’ motion to exclude mention of their counsel and the  
 11 Lawfare Project should be denied.

12  
 13 DATED: March 16, 2019

MUNGER, TOLLES & OLSON LLP  
 BRADLEY S. PHILLIPS  
 ADELE M. EL-KHOURI  
 ALISON F. KAROL

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 17 By: /s/ BRADLEY S. PHILLIPS  
 18 BRADLEY S. PHILLIPS  
 19 Attorneys for The BOARD OF TRUSTEES of the  
 20 CALIFORNIA STATE UNIVERSITY  
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28 <sup>1</sup> CSU urges the Court to view the video embedded in the article cited here.